

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the County of Fresno for an order authorizing construction of a crossing at separated grades between Chestnut Avenue and the tracks of the Southern Pacific Transportation Company (PUC No. B-210.3).

Application 96-02-010  
(Filed February 7, 1996;  
Petition For Modification  
filed December 17, 2001)

**ORDER MODIFYING DECISION 96-03-019**

By Decision (D.) 96-03-019, dated March 13, 1996, in Application (A.) 96-02-010, County of Fresno (County) was granted authority to construct Chestnut Avenue at separated grade over Southern Pacific Transportation Company's mainline tracks, now owned by Union Pacific Railroad Company (UP), in Fresno County.

On December 18, 2001, County filed a Petition for Modification of D.96-03-019, stating that in order to meet horizontal clearances during construction the vertical clearance for the false work would have to be lowered from twenty-one (21) feet - six (6) inches to twenty-one (21) feet - zero (0) inch.

By letter dated September 18, 2001, attached to Petition for Modification of D.96-03-019, UP stated that it has no objections to the County's request.

Notice of the Petition for Modification was published in the Commission's Daily Calendar on December 19, 2001. No protests have been received. A public hearing is not necessary. The usual 30-day effective date on an order should be

waived so that County can commence construction of the Chestnut Avenue overhead grade separation bridge structure at the earliest possible date.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Findings of Fact**

1. County requests authority to modify D.96-03-019 in A.96-02-010 by reducing the temporary vertical clearance for false work from 21'-6" to 21'-0" during construction of the Chestnut Avenue overhead grade separation bridge structure.

2. County, UP and staff of the Commission's Rail Carriers and Safety Division-Rail Crossings Engineering Section are in agreement with the County's proposal.

### **Conclusions of Law**

1. Petition for Modification of D.96-03-019 in A.96-02-010 should be granted as set forth in the following order.

2. The usual 30-day effective date on an order should be waived so to allow County to commence construction at the earliest possible date.

### **IT IS ORDERED** that:

1. County of Fresno is authorized to reduce the temporary vertical clearance for false work from twenty-one (21) feet - six (6) inches to twenty-one (21) feet - zero (0) inch during construction of the Chestnut Avenue overhead grade separation bridge structure, to be identified as Crossing No. B-210.30-A, as set forth in Petition for Modification of D.96-09-013 filed December 17, 2001.

2. In all other respects, Decision 96-03-019, dated March 13, 1996, in Application (A.) 96-02-010 shall remain in full effect.

3. A.96-02-010 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.